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THE ONTARIO ARCHIVES: SCOPE OF ITS OPERATIONS

(Paper read at the twenty-seventh annual meeting of
the American Historical Association, held at
Buffalo, N. Y., December 27-30, 1911)

BY

ALEXANDER FRASER

LL. D., LITT. D., F. S. A., SCOT. EDIN.

Reprinted from the Annual Report of the American Historical Association
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THE ONTARIO ARCHIVES.

By ALEXANDER FRASER, Provincial Archivist.

The line of demarcation between the Canadian or Dominion archives and the Ontario or other provincial archives is somewhat similar to that between the Federal and State archives in the United States. It consists with the scope of the jurisdiction of the Dominion or major commonwealth, and the narrower or minor jurisdiction of the Province. This constitutes a clearly defined boundary within which both work without conflict or overlapping of interests. Our public charter is an imperial statute entitled the British North America act, and to-day, when there are nine fully constituted, autonomous Provinces within the Dominion of Canada, it is interesting to recall that when the British North America act became law in 1867 the subtitle set forth that it was "An act for the union of Canada, Nova Scotia, and New Brunswick, and the government thereof; and for purposes connected therewith."

This act provides for the government of Ontario a lieutenant-governor, who represents the Crown; an executive council of ministers of state and a legislature composed of duly elected representatives of the people. To this body the act secures exclusive legislative powers in Ontario and Quebec, in the matter of Crown lands, forests and mines; education, from the public common school to the university; municipal government, institutions and laws; incorporation of chartered companies—commercial, financial, professional, or social; solemnization of marriage, involving family history, vital statistics, etc.; property and civil rights; administration of justice, embracing both civil and criminal jurisdiction; agriculture and immigration, under which municipal, industrial, and agricultural statistics are collected, tabulated, and published; the founding and maintenance of provincial institutions such as hospitals, asylums, reformatories, prisons, and institutions for the instruction of the deaf and dumb and the blind; offices for the local registration of deeds, titles to land; the licensing of shops, taverns, hotels, auctioneers, etc.; the erection of local public works; the authorization and regulation of transportation not interprovincial.

In short the Provincial Government gets close to the life of the people and touches its business and social sides intimately. As at present constituted the ministry comprises the departments of: The attorney general, dealing with the administration of law; the provincial secretary, controlling registration, and the public insti-

tutions; the provincial treasurer, dealing with the public accounts; agriculture; lands, forests, and mines; public works; and education. The prime minister is statutorily president of the council and head of the ministry. Besides these and exercising semi-ministerial or departmental functions are two commissions, the hydro-electric commission and the Government railway commission. These, with the legislature itself, are the departments of government in which our archives originate.

Archives we have defined as the records, the business papers, of the province having a permanent value. All archives need not be of historical value in the narrow sense. Public documents may have a business or record value apart from history, yet it would be hard to say that any given document might not be found useful in some way in connection with history. The main value of a document is as an evidence of truth. Every document does not contain truth, yet even such a document may, in effect, be a fact in history, and training and experience lead to a reasonably true interpretation.

The Ontario Bureau of Archives, organized in 1903, is equally related and attached to all the Government departments, and receives all papers and documents of record value or of historical interest, not in current use, from all branches of the public service. When possible, these documents are classified, calendared, and indexed.

The archives originating in the legislative assembly are: The Scroll of Parliament—the documents known by that title being the notes and memoranda made by the clerk, of the routine proceedings of the house during its sessions; the original signatures of the members of the legislative assembly subscribed to the oath of allegiance when “sworn in” as members of the assembly, the signatures being written on parchment; copies of the statutes in the form in which they have been assented to and signed by His Honor the Lieutenant Governor. These copies are printed on good paper, and after having been assented to become the originals of the statutes in force; and the original copy pertaining to the consolidated statutes.

Among the assembly archives are the manuscripts of all sessional papers not printed (a sessional paper is a return called for by order of the house, whether printed or not, and the reports of departments and all branches of the public service presented to the house); the originals of all petitions presented to the house (these are not printed); the originals of bills in the form in which they are presented to the house; and copies of bills amended during their passage through the house. The original copy of sessional papers which are printed is returned with the proof sheets to the department or officer issuing the same.

Naturally next in importance to the records of the legislature are those of the executive council or Government. All matters requiring executive action are brought before the council upon the recommendation or report of the minister having the subject matter in charge. The recommendation or report is addressed to His Honor the Lieutenant Governor in Council. The reports of the committee of council are signed by the prime minister as president, are countersigned by the clerk and submitted to the lieutenant governor for approval, after which the document becomes and is known as an order of His Honor the Lieutenant Governor in Council. Effect is given to orders in council affecting the general public by the promulgation of them in the Ontario Gazette; otherwise by the transmission of certified copies to the departments or persons concerned. The original orders (together with the recommendations, reports, and papers upon which they are based), after being registered in special journals, become most valuable records and much in request.

Through the department of the attorney general access is obtained to the voluminous records, rich in personal history and jurisprudence, arising from the administration of justice, in its vast ramifications and details, reaching from the policeman and justice of the peace to the high courts and court of appeal; from the homely minutes of the quarter sessions of early times, to the record of the recent cause célèbre which influenced the legislation of the country, or settled questions of constitutional import.

With the office of the provincial secretary the provincial archivist necessarily has very close relations. The office of the secretary is the medium of communication, through the lieutenant governor, between the provincial, dominion, and imperial governments. All such correspondence is registered and copies of the dispatches are kept. All commissions bearing the great seal of the Province are issued by the secretary, and are registered in his office, as are also all appointments made by his Honor the Lieutenant Governor in Council requiring the issuance of a commission. Charters of incorporation, licenses for extra-provincial companies doing business in Ontario, and marriage licenses are issued here under the direction of the secretary; here also are made records of all Crown land patents (the earliest record being 1795), the records of all mining leases and deeds and leases relating to the public lands, etc. In the secretary's office are kept the vital statistics of the Province. From the organization of the Province in 1792 until 1849 marriages were recorded in the parish and congregational registers kept by clergymen, in the minute books of the quarter sessions of the peace, and in the memorandum books of justices of the peace. In addition to this, fairly complete records of births were made in the baptismal registers, and of deaths in the journals of clergymen, who recorded the deaths of

parishioners for congregational purposes. Many of these old books, however, have been either lost or destroyed, or their disposition is not known. In 1849 the municipalities were enabled to make provision by by-law for the registration of births, marriages, and deaths, and advantage was taken of that statute to a very considerable extent. From the passing of the law of 1849 until 1874 all records of marriages in the Province were returned to the city and county registrars, who became their official custodians. In 1869 the office of the registrar general was established and compulsory registration of births, marriages, and deaths introduced. Until 1874 the returns were still sent to the county and city registrars, but since 1874 they have been sent direct to the registrar general's office. The work of transcribing these returns and preserving them in proper form has been proceeding for years; and the documents, books, and statistical papers of the office, which are in safe keeping, form an invaluable collection of archives.

In addition to the original vouchers of the public accounts, the treasury department contains the papers of the succession duty office, including affidavits made by the applicants on all applications for letters probate or letters of administration in the Province showing the value, as at the date of the death of a deceased person, of such person's estate, with a general statement of the distribution thereof; including copies of wills, affidavits of value, bonds, and other documents which in particular cases have been furnished in order that the amount of succession duty payable, in cases liable to payment, might be ascertained. These documents are not generally accessible to the public, as they relate to the private concerns not only of deceased but of living persons, but they are a valuable addition to the surrogate courts' records which are a mine of genealogical information.

The great staple enterprises of Ontario are agriculture, industrial production, lumbering, mining, and in general, trade and commerce. Of these agriculture is the greatest, and the records of its growth and development have a special value to the student of economics. The statistical branch, formed in 1882, issues annual reports dealing with agricultural and municipal interests—assessment figures, population, areas assessed, taxes imposed, annual receipts and expenditures, assets and liabilities, chattel mortgages, proving of value to municipal debenture holders and the public generally.

Of all our departments, the bureau of archives has drawn most largely on the documentary treasures of the department of Crown lands. The material of historical interest here is exceedingly varied and valuable, embracing the records of the surveys of the Province; the original maps, field notes, and diaries relating to the survey of all the townships dating back to 1784, and reports of all the explorations made within the limits of the Province since that date; reports show-

ing the planning out and surveys of the old military roads, such as Dundas Street, Yonge Street, the Penetanguishene and Kingston Roads, and the papers in connection with the surveys of the Talbot Road, the Huron Road, the Garafraxa Road, the Toronto and Sydenham Road (Owen Sound). There is much valuable information in the notes concerning the pioneer settlements. This branch also contains plans of all the old Indian reserves of the Province and reports indicating the early condition of the Indian settlements on these reserves; also of the ordnance surveys in the Province pertaining to land grants to old settlers; plans of the military reserves and plans showing the location and groundwork of the early forts. Besides these there are the original surveys of all the lands acquired by the Canada company and of those granted to King's College. A collection of much importance already transferred to the archives vaults is that embracing the diaries or journals of David Thompson, the astronomer royal, covering a period of 66 years, from 1784 to 1850, and making about 50 volumes. Thompson's famous map showing the continent from the Atlantic to the Pacific, and from a little south of the Great Lakes to Hudson Bay, is carefully preserved in the collection. Thompson's journals and map have furnished interesting material to students of our early history. They have been used by Mr. Coues in his work entitled "New Light on the Great North-West," and have been found useful in connection with editions of Henry's and Thompson's journals. Competent authorities regard Thompson's work as most valuable to the State, especially in the fixing of boundary lines; but of little less importance are the field notes and diaries of many of the early surveyors, not merely for topographical reasons but on account of the detailed information given. In a separate vault are many other valuable and interesting documents, including the United Empire Loyalists' lists, the records of land grants to immigrants, to discharged soldiers, and the militia grants of warrants to discharged troops, to United Empire Loyalists, volumes of land board certificates, returns of locations compiled for the quartermaster general, fiat and warrant books, domesday books, containing original entries of every lot that is patented, and extending to 26 large volumes, descriptions and terms or references on which patents and leases are issued, patents for Crown lands, mining lands, free grant lands, and mining leases. There are also a series of maps of the townships of the Province as surveyed, which have the names of the original holders and settlers entered on each lot or block of land. These maps show among other things the grant made to King's College, and the lands allotted to the Canada Land Co. The historical value of these records is inestimable, for without them the settlement of the Province could not be traced or shown.

The most interesting archives emanating from the public-works department are the records of the early colonization roads—arteries of settlement and trade routes—and the title deeds, plans and specifications, contracts, maps, and documents relating to Crown property, buildings, and institutions, a finely conditioned collection.

I have thus, at considerable length, described the field in which the archivist of Ontario labors and out of which he is gradually building up his storehouse of archives. The main purpose of the bureau is that of a record office of State papers, primarily for their proper preservation and for the greater convenience of the public service. This is in the nature of things. A central office, in which papers from all departments of the Government are lodged after they have passed out of current use, examined, classified, and filed by a staff familiar with their contents, need only be brought into use to become indispensably serviceable in the carrying on of public business; but in addition, the archivist, knowing the contents of the documents in his custody, is able to direct and help in a manner that can not otherwise be done, that portion of the public interested in the information contained in the Government archives.

Notwithstanding the completeness and compactness of the field I have briefly sketched as a logical and correct one for the purposes of a State record office, it is nevertheless equally obvious that Government records alone do not nor can embrace all the archives properly so called of a State or Province. When, therefore, I was asked, eight years ago, to organize a bureau of archives for Ontario, I laid out a much wider plan than that I have referred to, with, however, the State record office always as the central idea. The bureau is therefore double barreled; it draws from the pigeonholes of the departments, and it collects outside material that may throw light on the settlement and development of the Province of Ontario, the source of which is often far afield. For instance, the Province of Quebec (including Ontario), up to 1774 included all to the south and west as far as St. Louis and the Mississippi, and of course, what became in 1791 Upper Canada. The British régime is touched by the French and the French by the Indian.

In carrying out this plan the bureau aims at the collection of documents having, in the widest sense, a bearing upon the political or social history of Ontario, and upon its agricultural, industrial, commercial, and financial development; the collection of municipal, school, and church records; the collection and preservation of pamphlets, maps, charts, manuscripts, papers, regimental muster rolls, etc., bearing on its past or present history; the collection and preservation of facts illustrative of the early settlements, pioneer experience, customs, mode of living, prices, wages, boundaries, areas cultivated, homes, etc.; the collection and preservation of correspondence,

letters from and to settlers, documents in private hands pertaining to public and social affairs, etc., reports of local events and historic incidents in the family or public life; the rescuing from oblivion of the memory of the pioneer settlers, the obtaining and preserving narratives of their early exploits, and of the part they took in opening up the country for occupation; and the bureau cooperates with the historical societies of Ontario and societies kindred to them, helping to consolidate and classify their work, and as far as practicable to direct local effort on given lines.

Within this scope the following plan of work has been adopted: To divide the history of Ontario until the confederation of the Provinces in 1867 into its political periods, arranging the material secured in chronological order, and giving each period a series of reports. Thus the work has been carried on in all the divisions simultaneously, and when sufficient material has accumulated in any one of them, it has been utilized by the publication of documents without undue delay. From confederation onward, the larger quantity of material to be dealt with, and the probable absence of sweeping constitutional changes to mark eras, suggested a chronological rather than a political basis of division. The periods are:

1. To the close of the French régime, or the period of French discovery, 1763.
2. To the organization of the Province of Upper Canada, 1791.
3. To the legislative union of Upper and Lower Canada, 1841.
4. To confederation, 1867.
5. To the end of the nineteenth century, 1900.

In each of these divisions there is much work to do. Each has its own distinctive features, and there is abundance of minor incident.

Material of special interest to Ontario bearing on the French régime is contained in the "Correspondance Générale," in the papers of the "Collection de Moreau St. Méry," which have been transcribed from the Paris archives for the Canadian archives, most of which has never been published in printed form. There is also valuable Ontario material in the "Haldimand Collection of papers," the "Bouquet Papers," and the Colonial Office records bearing on this period. It is intended to collect and publish these papers, accompanied by an adequate translation, when not written in English, and adding extracts in chronological order from the publications of Perrot, La Potherie, La Harpe, Charlevoix, De Kalm, the Jesuit Relations, papers by Margry, and a portion of the "Mémoire pour Messire François Bigot," which contains what seems to be an excellent summary of the commerce and condition of all the western trading posts at the time of the conquest. Other sources of material for publication have also been considered in connection with this early period.

Aboriginal or Indian history presents many interesting features to us, and some attention has been given to the subject, including an inquiry as to the original savage occupants of Ontario, their origin, migrations, traffic, and intercourse; their language, topographical nomenclature, folklore, and literature; the origin and development of their clan, tribal, and national organization; the history and results of European contact; their present condition, capabilities, and tendencies.

This period of Ontario history, that of the French régime, will be our heroic age, as "distance lends enchantment to the view." Here will be found the adventurous *coureurs de bois*, many of the great routes and trading posts, the headquarters of which in later times was Fort William, on Thunder Bay. Here the Huron and Iroquois met in deadly conflict; here also the French missionaries of the Cross endured untold sufferings with ecstatic heroism, and receiving the martyr's crown left a record of Christian zeal and fortitude not surpassed, if at all equaled, in the history of the world. Events which stirred the imagination and fascinated the finely poised mind of a Parkman will yet furnish the material for Canada's great, unwritten epic poem.

The Ontario bureau of archives has made a beginning in this field by publishing a volume on the "Identification of the Huron Village Sites," where those missionaries labored and fell, prepared by the venerable and scholarly archivist of St. Mary's College, Montreal, the Rev. Father Jones, S. J., a contribution, I believe, of undoubted value. It may be taken as significant of our attitude that a work of such erudite research has been treated as a public document and issued free to the people at the expense of the Government. It will soon be followed by the writings of Father Potier, a work of far-reaching importance and interest, which is in process of preparation for the press. The three volumes of manuscript have been photographed page by page and a zincograph facsimile of the original will be placed before scholars, a work the casual announcement of which has already whetted the appetites of not a few antiquarians.

Leaving this interesting period for the second I have mentioned, we reach the coming to Ontario of the United Empire Loyalists. These form the basis of our population and still give color to our political thought and form and fashion to our institutions. In this period we have published two volumes, one of about 1,500 pages, being the manuscript of evidence laid before a royal commission reporting on the claims for compensation for losses suffered by the United Empire Loyalists, a document now out of print and much sought for. The other volume consists of the minutes of the land board of the western district of Ontario, bordering on Lake Erie

and the Detroit River, containing particulars of grants of land before 1792, schedules, regulations, description lists of grantees, and surveys, and a mass of data connected with Indian rights and the settlement of land generally. It has been of value in land-title lawsuits, etc., and extends to more than 500 pages.

Combining this period with the succeeding one, we have collected the proclamations by the Crown from 1763 to 1840 and issued them in a volume, the necessity of which has been felt, as may be understood when it is stated that no such collection had ever been made before, though these proclamations are of public use in an endless variety of business.

Under our third division the narrower political history of our Province begins, the introduction of constitutional government—the work of the legislature, some of whose early records are lost, the outbreak of the War of 1812, the progress of settlement, and the development of municipal and commercial institutions, the restiveness leading to the rising of 1837, and the concessions made to responsible government. Here a great deal of archival work has been already accomplished. The journals of the proceedings of the legislature of Upper Canada from 1792 to 1818, so far as we have been able to find them, have been published and the series will be issued to the year 1824, from which year printed copies are in existence. The journals of the legislative council concurrent with those of the legislative assembly down to 1816 have also been published, and one volume in each series, now in the press, will complete the work. These journals are simply indispensable, being the original evidence of all our legislation. Our constitutional development and the history of our legislature can not be studied or understood without them. I may be pardoned should I refer particularly to one of many interesting questions dealt with in the closing years of the eighteenth century as shown in these journals. The legislative assembly, following the rule of the Imperial House of Commons, claimed the power of the purse, and objected to their supply bill being amended by the legislative council or upper house. A deadlock ensued; neither side would budge from its position; a conference of both houses was held and the assembly won on the understanding that the question would be referred to the law officers of the Crown in Britain for future guidance. This was accordingly done and the right claimed by the assembly or lower house was conceded to it. Thus was solved amicably for Canada at the small hamlet of Newark, on the banks of the Niagara, a constitutional principle which recently shook the United Kingdom and produced a serious and radical constitutional crisis, in which once more the Commons vindicated their supremacy in questions of national finance.

The records of the first Court of Common Pleas for Upper Canada, with valuable annotations and historical notes, are being prepared for the press.

In this division we have in hand among other things the preparation of a domesday book for the Province. Our plan, which has made substantial progress, is to cover all our settlement of Crown lands from 1783 to 1900 by townships, giving each grantee a description, and, for the purpose of reference, a number. Succeeding volumes will furnish memoirs, notes, and statistical data of a special character bearing on the grantees and on their settlements. In this connection we are collecting and rapidly accumulating local material which will be drawn upon for this work. This I consider one of the biggest undertakings planned by the bureau, which occupy much time to bring it to completion, but when completed will be a work of reference of permanent use to our historical investigators.

We are also collecting papers and documents pertaining to the political history of Ontario that ought to be preserved in permanent form, which will be issued in a series of four consecutive volumes. These have been planned on lines that will bring their usefulness directly to the growing class of students of our provincial history.

Lately a genealogical branch has been included in our program and steps are being taken to obtain by legislation a change of official forms so as to help in the collecting of data. The work will be conducted on the basis of the county unit, with correspondents engaged under the direction of the bureau.

While effort has been directed on these lines, I have paid more attention to the collecting of much neglected material throughout the Province—in the hands of private individuals, public bodies, or local officials, rather than to the exact and adequate classification and indexing of outside material as it is being received. The Province has been so long entirely neglected that when I undertook to organize the department I decided that the most valuable service I could render to the public was to acquire, to collect, and safely preserve whatever material I could find, believing the day would soon come when the value of such material would be fully realized and the necessary office assistance provided to enable me to make the accumulated archives conveniently accessible to the public.



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